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Attorneys for Defendants
 JASON FOX, IAN FURMINGER, SIMON CHAN AND
 CITY AND COUNTY OF SAN FRANCISCO

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

ANDREW MARCONI,

Plaintiff,

vs.

SERGEANT JASON FOX, *et al*,

Defendants.

Case No. C05-1978 CW

**STIPULATION AND ~~PROPOSED~~
 ORDER TO VACATE PRE-TRIAL
 CONFERENCE AND TRIAL DATES**

Date Action Filed: April 18, 2005
 Trial Date: February 12, 2007

Plaintiff Andrew Marconi and Defendants Jason Fox, Ian Furminger, Simon Chan and
 City and County of San Francisco through their undersigned counsel hereby stipulate and agree:

1. On November 15, 2006 the parties filed a Notice of Pending Settlement and Joint
 Motion by the Parties Seeking Leave to Temporarily Suspend Litigation. The parties submit this
 stipulation in further support of that motion.

2. The parties have reached a settlement agreement and anticipate concluding
 litigation in this lawsuit in its entirety, pending approvals by appropriate officials. The approval
 process for lawsuits of this nature for these parties typically takes between 12 and 16 weeks to
 complete. The process for obtaining necessary approvals began upon the parties' Notice of their
 settlement agreement to this Court. That process is well under way, but is not yet complete. The
 parties have received some, but not all of the necessary approvals. The parties anticipate that the
 approval process will be completed within the next four to six weeks.

1 3. The parties are not in a position to file a dismissal of this lawsuit until final
2 approvals of their settlement agreement have been obtained. While the parties' counsel currently
3 have no reason to believe that the settlement will not be finalized, they do not believe that they
4 will be able to obtain the necessary approvals to finalize it in advance of the pre-trial conference
5 on February 2, 2007 or the trial set for February 12, 2007.

6 4. The parties agree that it is in the best interest of all parties involved to vacate the
7 dates set for the pre-trial conference and trial, so that the parties may have the time to secure the
8 necessary approvals. If the parties are forced to move forward on the current calendar, then they
9 will not be able to settle the case as anticipated. In addition, based on the settlement agreement
10 (contingent upon approvals) and in order to put themselves in a position to reach an agreement,
11 the parties agreed to stop incurring costs and fees preparing for trial. The parties agree that
12 unnecessary time, expense and judicial resources can be avoided if the Court gives the parties the
13 opportunity to finalize the settlement.

14 5. The parties stipulate and agree to seek an order vacating the dates for the February
15 2, 2007 pre-trial conference and February 12, 2007 trial and setting a further case management
16 conference for March 9, 2007 at 1:30 p.m.

17 Dated: January 23, 2007

18 DENNIS J. HERRERA

19 City Attorney

20 JOANNE HOEPER

21 Chief Trial Deputy

22 ELIZABETH DEELEY

23 Deputy City Attorney

24 By: _____/s/_____

25 ELIZABETH DEELEY

26 Attorneys for Defendants

27 JASON FOX, IAN FURMINGER, SIMON CHAN

28 AND CITY AND COUNTY OF SAN

 FRANCISCO

1 Dated: January 23, 2007

DYLAN SULLIVAN
LISA G. SCHLITTNER

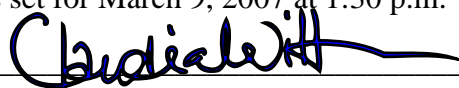
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3 By: _____/s/_____
4 DYLAN SULLIVAN,
5 ATTORNEY FOR PLAINTIFF
6 ANDREW MARCONI

7 IT IS HEREBY ORDERED

8 1. That the dates for the February 2, 2007 pre-trial conference and February 12,
9 2007 trial are vacated.

10 2. A further case management conference is set for March 9, 2007 at 1:30 p.m.

11 DATED: January ²⁴____, 2007


12 THE HONORABLE CLAUDIA WILKEN
13 United States District Judge
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